

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....3-00-115

Applicant.....Kasey & Monique Dority

Project location..... Monte Verde St., 5 SW of 12th Ave., Carmel (Monterey County).

Project description.....Demolition of approx. 900 sq. ft. single family dwelling, in order to facilitate construction of a new 1800 sq.ft. two story, single family dwelling, with attached garage, on a 4,000 sq. ft. lot (APN 010-175-006).

File documents.....City of Carmel-by-the-Sea: DS 99-54/RE 99-49/HR 99-11, May 24, 2000.

Staff recommendation....Approval with Conditions

I. Summary: The proposed project is located within the City of Carmel-by-the-Sea. Carmel is a very popular visitor destination, as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. Carmel is especially notable for the character of both public and private development within the context of its native pine forest. In particular, as a primarily residential community, Carmel's predominantly small scale, well-crafted homes play a key role in defining the special character of the City.

Applicant proposes to demolish an existing residential structure, and to replace it with a new residence on the same site. Pursuant to Categorical Exclusion E-77-13, a coastal development permit is required for the demolition portion of the project (but not the new construction). There is a concern that the existing pattern of such demolitions and rebuilding may prejudice the ability of the City to complete its Local Coastal Program (LCP) in a manner that would be in conformance with Coastal Act policies. In particular, the LCP will need policies that respect and protect the keystone elements of Carmel's special character—the beach, the forest canopy, the compact scale and design of its built environment, the context and integrity of its historic resources. At the same time, the LCP will also need to provide reasonable standards for restoration, additions, or where warranted, replacement. These policies will be determined through a community process that the City expects will culminate with the completion of an LCP Land Use Plan by April, 2001.

In this case, while the project will result in a significant change (a 100% increase in building

scale and an increase from one story to two), there are similarly sized structures close by, and the new structure will still not exceed 1800 sq.ft. (the prevailing maximum for the typical 4000 sq.ft. lot in Carmel). No removal of significant native trees would be required. The existing c. 1917 house does exhibit the characteristics associated with the traditional Carmel Cottage style and/or represents a potential historic resource.

The cumulative effect of such demolitions raises concerns with respect to the overall protection of the City's special character. This concern is being addressed in part through the City's existing review process for tree removal, historic resources, and design review. Further refinements to these processes are expected from the LCP completion effort now underway.

Pending LCP completion, additional mitigation—in the form of a relocation/salvage condition—is warranted in this case, because of the existing building's cottage character and/or its potential as a historic resource. Therefore, while the proposed demolition will result in a change of character, as conditioned such change will not be substantial enough to undermine the effort to complete a certifiable LCP within the timeframe projected by the City. Accordingly, as conditioned to provide for reuse or salvage of the existing structure to the extent feasible, the project is consistent with the policies of Chapter 3 of the Coastal Act and will not prejudice the City's ability to complete its Local Coastal Program.

II. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number 3-00-115 subject to the conditions below and that the Commission adopt the following resolution:*

Approval with Conditions. *The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Carmel to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

III. Conditions of Approval

A. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. SPECIAL CONDITION

1. **Relocation or Salvage.** PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:
 - a. Documentation that arrangements have been made to move the existing building to another location within the City; or,
 - b. If relocation is not feasible, then documentation of the structure shall be completed in accordance with the Secretary of Interior's (HABS) standards; and, a materials salvage plan shall be prepared. Such plan shall provide for identification, recovery and reuse of all significant exterior architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for use elsewhere (with preference for recipients proposing reuse within Carmel). The plan shall specify that salvageable materials not used on site, sold or exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound, decayed, or toxic materials (e.g., asbestos

shingles) need not be included in the salvage plan. The plan shall include a written commitment by permittee to implement the plan.

Relocation shall not be deemed infeasible unless: 1) a Licensed Historical Architect, Licensed Historical Contractor, or equivalent qualified expert has determined that relocation of the structure would not be feasible, or if feasible, would not result in worthwhile preservation of building's architectural character; or, 2) it has been noticed by appropriate means as available for relocation, at no cost to recipient, and no one has come forward with a *bona fide* proposal to move the existing structure within a reasonable time frame (i.e., within 60 days from date of first publication and posting of availability notice). Such notice of availability shall be in the form of a public notice or advertisement in at least two local newspapers of general circulation (at least once a week for four weeks), as well as by posting on the site and by other means as appropriate.

Submitted salvage plans shall be accompanied by a summary of all measures taken to encourage relocation, copies of posted notice, text of published notices/advertisements, and evidence of publication, along with a summary of results from this publicity, a list of relocation offers (if any) that were made and an explanation of why they were not or could not be accepted.

Nothing in this condition is intended to limit permittee's right to sell the structure or salvaged portions thereof; nor is permittee required to pay for moving costs, whether the structure is sold or donated.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The project site is a rectangular 4,000 sq.ft. lot, the typical lot size in Carmel. It is located on the east side of Monte Verde Street between 12th and 13th Avenues, five blocks inland from the beach, in the south central part of the City. The City's staff report states that the site has an existing approximately 900 square foot residence, built sometime between 1917 and 1920 (applicant lists the existing structure as only 428 sq.ft—the reason for this discrepancy was not determined). The wood-frame, bungalow style structure has a steeply gabled roofline and lapped wood siding exterior. The front of the house is dominated by a reconstructed front porch dating from 1974.

A historical resource evaluation report for this property was prepared for the City by a professional consultant (*Final Evaluation Report for the Dority Property*, Jones & Stokes, Dec. 1999). This report concluded:

The Dority property is not eligible for listing in the CRHR [California Register of Historic Resources] as an individual resource or as a contributing element of the potentially eligible "District One" historic district. Although the house is not intrusive to the district, it does not exemplify the qualities of early design traditions in Carmel. Many homes of the 1910s followed the tradition of simplicity, making use of rustic materials and other bungalow design elements inspired by the earlier Arts and Crafts movement. Others followed revival or "storybook" themes. This house is a modest example of the bungalow type built during that period. The historic appearance of the house has been compromised with the 1974 reconstruction of the front porch, built with modern construction materials and inappropriate ornate iron railing. The house is not a good example of its type or design traditions in Carmel, but represents a simple working class bungalow type common to working class neighborhoods across the nation. In addition, the integrity of the original house has been compromised with the reconstruction of the front porch, overall rendering it a changed example of a simple housing type with no real design tradition associated with Carmel, and therefore it does not make a special contribution to the historic district. The property does not meet the CRHR criteria for having association with events or persons significant to the history of Carmel.

According to the City staff report, the City's Historic Preservation Committee disagreed with the report's conclusions, and voted to recommend that the new Form DPR 523 not be adopted. The reasons cited include "...the potential for reconversion of the front façade, and the cottage's potential contribution to a potential historic district." Nonetheless, on May 24, 2000 the City's Planning Commission, upon consideration of the Historic Preservation Committee's recommendation, found that the site does not constitute a historic resource; and, voted to accept the new DPR 523 and approve the demolition and replacement residence. This action is consistent with the City staff report, which states:

The Planning Commission has consistently rejected the "potential contribution to a potential historic district" argument as sufficient to warrant historic significance. Further, reconstruction of the front façade of the cottage to its original appearance does not avoid the fact that the original historic fabric has been lost.

B. LCP History and Status

The entire City of Carmel falls within the coastal zone, but the City does not yet have a certified LCP. Approximately twenty years ago, the City submitted the Land Use Plan (LUP) portion of its LCP for review by the Coastal Commission. On April 1, 1981, the Commission certified part of the LUP as submitted and part of the LUP subject to suggested modifications regarding beach-fronting property. The City resubmitted an amended LUP that addressed the beach-fronting properties provisions, but that omitted the previously certified portion of the document protecting

significant buildings within the City. On April 27, 1984, the Commission certified the amended LUP with suggested modifications to reinstate provisions for protecting significant structures. However, the City never accepted the Commission's suggested modifications and so the LUP certification expired.

The LCP zoning or Implementation Plan (IP) was certified by the Commission subject to suggested modifications on April 27, 1984. However, the City did not accept the suggested modifications and so the IP, too, was never certified.

Predating the City's LCP planning efforts, the Commission in 1977 authorized a broad-ranging categorical exclusion covering most of the area of the City of Carmel (Categorical Exclusion E-77-13). E-77-13 excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City; not excluded, however, are demolitions such as that proposed in this case.

The City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. According to City representatives, the Land Use Plan is expected to be submitted for Commission review in April 2001, with the Implementation Plan submittal expected by December 2001.

This current City effort is focused on protecting the significant coastal resources found in Carmel, including the spectacular public beach and recreational amenities along the City's shoreline, the urban forest that uniquely identifies Carmel as "the City within the trees," the substantial riparian and habitat areas (such as Mission Trails Nature Preserve and Pescadero Canyon), and the unique community and visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. Taken as a whole, these resources combine to form the special character of Carmel; a character that comprises a significant coastal resource worthy of protection in its own right.

C. Standard of Review

Unless and until the Commission has certified any future City LCP submittals, the Commission retains coastal permitting authority over non-excluded development within the City. As a result, although the City's current ordinances and policies can provide context and guidance, the standard of review for this application is the Coastal Act.

D. Coastal Development Permit Determination

1. Community Character

Sections 30253 and 30251 of the Coastal Act address the issue of preserving the community character of special communities such as Carmel:

Section 30253(5). New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Coastal Act defines special coastal communities in terms of their unique characteristics that make them attractive to the visitor. The City of Carmel is a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area and white sand beach. Carmel is made special, in part, by the character of development within City limits.

In particular, as a primarily residential community, the web of residential development in Carmel plays a key role in defining the special character of the City. Carmel is distinctly recognized for its many small, well-crafted cottages. These modest, sometimes quaint residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. These little homes were nestled into the native Monterey pine/Coast live oak forest, on a grid of streets that was executed in a way that yielded to trees more than to engineering expediency. This was the context for Carmel's community life and its built character.

Particulars for this project: The parcel is currently developed with a single family dwelling. The existing home on the site appears to be an unremarkable early bungalow in reasonably good condition, with a pronounced gable and lapped wood siding exterior finish. In scale and design, it appears to represent a typical simple residence of the era. See Exhibit 2, attached, for photograph of the existing structure.

As noted above, the question of whether or not the existing structure constitutes a historic resource has been a subject of debate. Even if it is not considered as one of the historical or architecturally important structures in the City, by virtue of its age and modest dimensions it contributes to the small-scale character of the neighborhood.

The area is developed at urban densities and with urban services in an area able to accommodate the replacement of the existing house with a new one. All utilities are connected to the existing house on this site. There are adequate public services for the proposed new house. The proposed demolition will not open the way to new development that would be growth inducing or lead to compromise of an existing urban-rural boundary. Parking is adequate. Additionally, the

proposed new house meets City requirements for maximum height, floor area, coverage, and yard setbacks.

Mitigation, through Relocation or Salvage: The structure proposed for demolition, through cottage-style architecture or historical attributes, or both, evokes the Carmel character. (See attached Exhibit 2 for illustration of the existing structure, and Exhibit 3 for site plan and elevations of the replacement structure.) The loss of the existing structure can be mitigated, in part, through relocation elsewhere within Carmel.

Suitable sites for relocation are relatively scarce within Carmel. While the supply of relocation-worthy structures is likely to substantially outpace the availability of receiver sites within City limits, such relocations from time to time are in fact accomplished in Carmel. A recent example is the Door House, which at its new location will serve as a guest unit. Even though its original specific context is changed, a certain level of mitigation is achieved because the relocated structure is retained within its overall community context.

The likelihood of a successful relocation can be improved by publicizing the availability of the structure that is proposed for demolition. And, in those instances where relocation is not feasible or no qualified recipients come forward, at least parts of the structure can nonetheless be salvaged and eventually incorporated in other structures in Carmel¹.

At present, there is no formal relocation or salvage program in Carmel. Informal and commercial channels are already available in the region (e.g., Carmel has at least one shop [Off the Wall] that specializes in salvaged architectural details, and Capitola has the Recycled Lumber Company). There is discussion of a regional program for the Monterey Peninsula area, which would facilitate not only the reuse of structures in Carmel but also support existing programs such as that already in place in the neighbor city of Pacific Grove.

Conclusion: Therefore, considering existing and future avenues for relocating or recycling older buildings, such measures appear appropriate and feasible. To the extent that salvaged materials will find their way back into new construction in Carmel, the requirement to prepare a relocation/salvage plan will provide a limited form of mitigation for impacts on Carmel's

¹ What if the permit is conditioned to require that the building be offered for relocation or salvage, but there are no takers for reuse within Carmel? The usual demolition expedient is destruction and removal to the nearest landfill. The Coastal Act contains no specific direction regarding structural relocation or salvage of existing buildings. Nonetheless, relocation and salvage would support other Statewide public policy efforts to provide affordable housing, conserve valuable materials, avoid placing unnecessary materials into the wastestream and minimize energy consumption. Therefore, while the purpose of such a condition would clearly be to protect Carmel's character, the public offering and thoughtful disposition of the structure would also serve the broader public interest-- whether or not relocation is achieved within Carmel in any given instance.

community character. Accordingly, relocation—or failing that, salvage—will provide for reasonable conformance with Coastal Act Sections 30251 and 30253(5), and will help to avoid prejudice to the City’s efforts to prepare an LCP that conforms with Coastal Act policies. This permit is conditioned accordingly.

2. Potential for Prejudice to LCP Planning Efforts

Section 30604 of the Coastal Act states in part that a coastal development permit shall be granted if the Commission finds that the development will not prejudice the local government’s ability to prepare a Local Coastal Program (LCP) in conformity with the applicable resource protection policies of the Coastal Act. More specifically, Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

As previously described, the City is currently working on a new LUP submittal. A community planning process is now underway to determine, among other things, the basis for defining Carmel’s community character and ways to protect and preserve this character consistent with the Coastal Act.

Each residential demolition results in a significant change to the character of the lot upon which it is situated. In some cases, an existing structure—because of virtues such as architectural style or historical associations—constitutes a significant component of the City’s special character all by itself. More commonly, the structure only contributes to the overall impression on the visitor. Thus, the proposed project also affects community character on a cumulative basis. In other words, the effect of this particular demolition/rebuild must be evaluated within the context of the larger pattern of demolition and rebuild in Carmel.

Development trends: Over time, Carmel has been changing as its older housing and commercial stock makes way for new developments, usually larger in size and scale. As such, the period since 1990 can be examined to provide a meaningful sample for understanding the change issue in Carmel.

Since 1990, there have been 177 development proposals in Carmel. Of these, 145 projects (or over 80%) involve some form of demolition, rebuilding and/or substantial alteration of residential housing stock in Carmel. This comes out to roughly 13 such residentially related projects per year since 1990; nearly all of these have been approved. Other than the three year period from 1992 – 1994 when a total of 13 applications were received, the number of

development proposals in Carmel has been fairly constant until 2000. However, in the year 2000 alone, the Commission has received 44 applications as of October. Of these 44 applications received in the year 2000, 33 involved some form of demolition, rebuilding and/or substantial alteration of residential structures; 17 of the 33 have already been approved this year and 16 remain pending. More applications are arriving—the current average is approximately 3 per month.

Clearly the trend for demolition/rebuild/substantial remodel has been magnified in current years as demand for Carmel properties has outstripped the limited supply represented by the approximately 3,200 parcels within the City limits. However, at the expected rate of approximately 3 demolition applications per month, the cumulative amount of overall change by the target submittal date for the Land Use Plan (April 2001), will be relatively limited. Accordingly, the cumulative adverse effect on community character will, for the short term, continue to be insignificant.

In the event the Commission receives more than the expected number of applications that it has been averaging most recently, the Commission can evaluate such a changed circumstance and revise its approach accordingly.

Summary: Reliance on the City's own forestry, design review and historical resource protection procedures, together with monitoring of the application rate trends by Commission staff and the relocation/salvage condition attached to this permit, will be adequate for addressing the mandate of Coastal Act Section 30253 to protect community character (at least for the limited time until the LCP is completed). Therefore, while the proposed demolition will result in a change of character, as conditioned for relocation or salvage such change is not substantial enough to undermine the efforts to complete a certifiable LCP within the timeframe projected by the City. Accordingly, approval of the proposed project will not prejudice the ability of the City to complete its LCP in accordance with Coastal Act requirements.

3. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City found the project to be Categorically Exempt. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This report has examined the relevant issues in connection with the environmental impacts of this proposal. The Commission finds that, for the reasons stated above, the proposed project as conditioned will not have any significant adverse effects on the environment within the meaning of CEQA.